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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 CITY OF SEATTLE,

14 Defendant.

CASE NO. C12-1282JLR

LETTER

Proactive Persistent People for Progress (P4)

May 11, 2023

SENT VIA EMAIL

The Honorable Judge James L. Robart
United States Courthouse
700 Stewart St., Suite 1412B
Seattle, WA 98101-9906

**RE: Case No. 2:12-cv-01282-JLR: JOINT MOTION TO APPROVE
COMPLIANCE AGREEMENT and Civil Action No. 12-CV-1282
AGREEMENT ON SUSTAINED COMPLIANCE AND STIPULATED
(PROPOSED) ORDER OF RESOLUTION**

Dear Judge Robart,

We write on behalf of Proactive Persistent People for Progress (P4), a local group working to strengthen democracy and advocate for progressive values since 2016. Our Criminal Legal System and Policing (CLS & Policing) Committee, active since 2020, has made a significant investment in learning about police accountability and oversight in Seattle, with a focus on the history of the Consent Decree (CD) and the work of all of the entities involved in its implementation. We followed closely the work of the Federal Monitor, Dr. Oftelie, as he completed the Comprehensive Assessment of the Seattle Police Department in 2022. We have actively engaged with multiple City elected officials, Seattle Police Department (SPD) leadership and staff, the Accountability Triad - Community Police Commission (CPC), the Office of the Inspector General (OIG), and the Office of Police Accountability (OPA) - past City police accountability staff, and other citizen activists to support just and equitable policing in Seattle.

We want to thank you for your work on this important issue. While Seattle's elected officials, the Chief of Police, and U.S. Attorneys have come and gone, you bring the full history of the Consent Decree to bear as you consider this joint motion.

We acknowledge the progress the City has made in its work to satisfy the requirements of the CD, especially SPD's extensive data collection system. We question, however, whether durable change in police culture has been

achieved. For example, based on the published SPD data set, use of force is down, but data regarding racial disparities in those incidents remain largely unchanged. Further, the Court Monitor and the OIG have all pointed to the lack of perceived legitimacy on the part of Seattle residents which, unfortunately, extends beyond the SPD. Examples of actions or inaction that have contributed to this gap in trust include: the approval of the Seattle Police Officers Guild (SPOG) contract that gutted the City's own *2017 Accountability Ordinance*; the very recent payment by the City to the whistleblower who disclosed the manual deletion of the texts and emails of former Mayor and Police Chief, as well as the current Fire Chief, during the 2020 protests; the ever changing explanation of SPD's abandonment of the East Precinct in the summer of 2020; and the recent lawsuit filed by a veteran Black female SPD officer alleging racial bias and harassment in the workplace. The *Hold-the Line* podcast of SPOG President Mike Solan provides a window into SPD culture that belies the intent of the Consent Decree. (<https://podcasts.apple.com/us/podcast/hold-the-line-with-mike-solan/id1542167755>)

We appreciate that the *Joint Motion to Approve the Compliance Agreement* and the *Proposed Order of Resolution* have called out areas in which the City will continue to work including individual police accountability, disparate racial impacts in policing, and crowd control. As you deliberate on the *Joint Motion*, we encourage you to consider additional elements that will move the City further toward building trust and perceived legitimacy between the community and the SPD.

Upcoming Labor Agreement between the City and the Seattle Police Officers Guild (SPOG):

It is impossible to separate the issue of accountability from the substantive collective bargaining agreement currently being negotiated between the City and its largest police union, SPOG.

In the past, the City has promised significant police accountability measures (*2017 Accountability Ordinance*) only to fail to implement such measures in labor agreements with the relevant unions. While we recognize improvements in the 2022 Seattle Police Management Association (SPMA) agreement over previous contracts, we continue to be troubled by “poison pill” language that seems to subvert movement toward improving police accountability in Seattle, i.e. “*where the language of the contract or the past practices of the Department grant the officer greater rights, the greater rights shall pertain*”. This language appears to substantially obstruct the

implementation of disciplinary policies that reflect community concerns and evolving thinking on best practices in policing.

While we are strong supporters of workers' rights to collectively bargain working conditions and wages, we equally recognize the unique position, power and responsibility that police have in our society. As the Washington Coalition for Police Accountability (WCPA) states: *"Police hold state-sanctioned power over life and death. They can de-escalate crises rather than escalate them. They can treat those they suspect of committing crimes with dignity, and stabilize dangerous situations safely and humanely. Every person's life is sacred."*

We respectfully ask that allowing the City to exit the CD be made contingent on securing a SPOG contract that includes the *2017 Accountability Ordinance* provisions and deletes the "poison pill" language.

Ensure that the City's Accountability Triad (CPC, OPA, OIG) has the necessary authority, resources, and enforcement capability to carry out its mission. Establish mechanisms to protect its independence from political entities.

We are encouraged that the Federal Monitor has begun its assessment of the performance and capacity assessment of the City's accountability system. We provided our assessment of the triad organizations' strengths and weaknesses in our March 24, 2024 letter to Dr. Rosenthal (sent March 28, 2023 and copied to the Court).

We ask that you consider, as part of the Compliance Agreement, a requirement that the City ensure that the CPC, OPA, and OIG have *"the optimal policies, structures, systems, processes, and human capital to adapt to community needs and sustainably deliver results."* (*Federal Monitor's Comprehensive Assessment of the Seattle Police Department, May 2022.*)

We offer our comments in hope that the real progress made over the past eleven years is not lost when the Consent Decree ends. We believe that the Federal Court has an opportunity to ensure that mechanisms are in place to sustain these gains and that the infrastructure for continuous improvement in SPD policy and practice is robust. As the Consent Decree appears to be reaching its conclusion, we urge you to exercise your influence to promote continued movement toward more just and accountable policing in Seattle.

We appreciate your oversight throughout the long history of the Consent Decree in Seattle and thank you for the opportunity to offer our perspective on future actions needed in Seattle Police policy and practice to restore and maintain community trust.

Sincerely yours, on behalf of Proactive Persistent People for Progress (P4)

Agnes Govern, M.P.A., former Sound Transit's Chief Operating Officer (retired)

Kim Pasciuto, J.D., former Assistant Corporate Secretary, The Boeing Company; Co-founder of Mayor's Small Business Award-winning La Panzanella, Inc.

Donna Stringer, Ph.D., Founder and retired President, Executive Diversity Services, active member and former Board member of Grandmothers Against Gun Violence

Amy Sommers, J.D., former Chief Representative K&L Gates Shanghai, China office (retired)

Dena Brownstein, MD, Associate Professor Emeritus, University of Washington School of Medicine, former Medical Director, Patient Safety, Seattle Children's

cc:

Bruce Harrell, Mayor, City of Seattle

U.S. Attorney Nicholas W. Brown

Seattle City Councilmembers: Herbold, Juarez, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Dr. Antonio Oftelie, Federal Monitor

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